

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

OVERSEAS FRIENDS OF THE BJP – USA

Plaintiff,

v.

OVERSEAS FRIENDS OF BJP,

RAMESH ANNAMREDDY,

VASUDEV PATEL,

ADAPA V. PRASAD,

VIJAY CHAUTHAIWALE

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No._____

JURY TRIAL REQUESTED

VERIFIED ORIGINAL COMPLAINT

NOW COMES Plaintiff Overseas Friends of the BJP-USA (“OFBJP-USA”) seeking relief from above-named defendants, including Overseas Friends of BJP, Ramesh Annamreddy, Vasudev Patel, Adapa V. Prasad, Vijay Chauthaiwale (collectively, “Infringers”), and shows the Court the following:

SUMMARIZING – Infringers in this case have willfully infringed Plaintiff’s copyright and trademark name “Overseas Friends of the BJP-USA” (“Mark”) without authorization. Plaintiff has sent formal demands for Infringers to cease and desist, but they have not. Infringers’ infringements are willful and deliberate.

Plaintiff herein pleads claims of trademark and copyright infringement, as well as unfair business practices.

Though Plaintiff herein asks for a preliminary injunction, Plaintiff asks the Court to refrain from acting to deny the request until after the Plaintiff has had an opportunity to meaningfully seek conference on this suit as filed, according to Local Rule 7.1. Plaintiff will file a certificate of service and request for adjudication of the requested injunction as appropriate.

I. JURISDICTION AND VENUE

1. This is a civil action against the Defendants for trademark and copyright infringement, and unfair business practices, under the Lanham Act (15 U.S.C. § 1051 et. seq.).
2. This Court has subject matter jurisdiction over the claims in this cation that relate to trademark and copyright infringement, and unfair business practices pursuant to the provisions of 15 U.S.C. § 1121 and 28 U.S.C. §§1331 and 1338(a).
3. Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because the events giving rise to the claim occurred in this district, and Infringers not residing in the United States may be sued in this district.

II. PARTIES

4. Plaintiff **Overseas Friends of the BJP - USA** (“BTJ-USA”) resides in Texas and may be contacted through its attorneys of record at Norred Law, PLLC.
5. Defendant **Overseas Friends of the BJP** is a nonstock corporation and may be served through its registered agent, Ramesh Annamreddy, at 12310 Pinecrest Rd, Ste 206, Reston, VA, 20191, USA, or wherever it may be found.
6. Defendant **Ramesh Annamreddy** resides in and may be served at 2650 Cockerill Farm, Ln, Herndon, VA, 20171, or wherever he may be found.
7. Defendant **Vasudev Patel** resides in and may be served at 4523 Madison Run PL, Snellville, GA, 30039, or wherever he may be found.
8. Defendant **Adapa v. Prasad** resides in and may be served at 6001 Moonsails Ln, Clarksville, MD, 21029, or wherever he may be found.
9. Defendant **Vijay Chauthaiwale** resides and may be served at 53 Konark Karishma, Suryavanshi Tower Rd, Mahavir Nagar society, Vastrapur, Ahmedabad, Gujarat 380015, India, or wherever he may be found.

III. FACTS

A. History of the Plaintiff's brand and Mark

10. The Overseas Friends of BJP-USA was incorporated in New Jersey in 1997. The organization was a political nonprofit, promoting “cordial relationship[s] between Asian American and [North] American people” through events, fundraisers, pamphlets, social media groups, and other marketing methods. *See* Exhibit 1 and 9.

11. January 19, 2021, Ramesh Annamreddy established a for-profit entity named Overseas Friends of BJP in Virginia (a business entity distinct from the New Jersey-registered non-profit Overseas Friends of BJP-USA). *See* Exhibit 7. Adapa Prasad became the Director of the new Virginia entity, replacing Ramesh Annamreddy, on February 1, 2021. *See* Exhibit 1 and 7.

12. June 23, 2021, the dissolution of the Overseas Friends of BJP-USA organization in New Jersey was carried out by Adapa Prasad and Vasudev Patel. *See* Exhibit 10.

13. From February 1, 2021 - June 23, 2021, Adapa Prasad held the position of President in both the non-profit Overseas Friend of BJP-USA (New Jersey) and for-profit Overseas Friends of BJP (Virginia), despite both organizations having the same charter, constitution, and by-laws. *See* Exhibit 6 and 7.

14. On September 18, 2021, Shubo Dasgupta and others formed Plaintiff, a Texas non-profit corporation, named “Overseas Friends of BJP-USA” (OFBJP-USA), which later acquired non-profit and 501(c)3 tax-exempt status. *See* Exhibit 8.

15. May 12, 2022, the Texas-based OFBJP-USA secured a US copyright registration for its logo and on March 26, 2024, the United Patent & Trademark Office issued a registration for the Mark. Plaintiff issued a press release the same day giving notice to all Infringers. *See* Exh. 2, 3.

16. Plaintiff obtained the U.S. Copyright Registration Number Vau001467514 for the visual material work “Overseas Friends of BJP-USA” in 2021. *See* Exhibit 3.

17. Plaintiff owns U.S. Trademark Registration Number 7335039 for the standard character mark “OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA)” in association with goods further identified in registration in class 041 – organizing events in the field of integral humanity for cultural or educational purposes. *See* Exhibit 2.

18. The above U.S. registrations are valid, subsisting, and in full force and effect.

19. Plaintiff has used the Marks in commerce throughout the United States continuously, since 2021, in connection with political advertising. *See* Exhibit 1.

20. On August 19, 2022, Defendants advertised and promoted an event in Carrollton, Texas, and on a flyer and promotional images for the event the Defendants co-opted the exact name of Plaintiff’s copyright name, Overseas Friends of BJP-USA and its logo, as the sponsor and promoter of the event. *See* Exhibit 4. Similarly, the promotion materials included the statement: “Organized by OFBJP-USA: Disseminated by Overseas Friends of BJP-USA, a registered foreign agent, on behalf of the Bharatiya Janata Party. More information on file with the Dept. of Justice, Washington, D.C.”. *See* Exhibit 4. OFBJP-USA is not a registered foreign agent on behalf of any organization and no registration exists with the Department of Justice. *See* Exhibit 1 and 8.

21. Plaintiff sent a cease-and-desist letter on August 17, 2022 regarding this event. *See* Exh 4.

22. To this date, Defendants still continue to use the Mark in advertising. *See* Exhibit 5.

23. Plaintiff’s agents have had individuals approach them with complaints about what Plaintiff had done, but it was Defendants who had done the wrong. For example, Plaintiff’s agents were approached and blamed for Defendants’ posts regarding a fake car rally where attendees showed up and no one was at the event.

24. Defendants' advertisements bearing the Infringing Marks has caused Plaintiff to suffer losses and is likely to cause further damage to the goodwill and reputation associated with the Marks owned by Plaintiff.

25. Defendants' actions are willful and with the deliberate intent to trade on the goodwill of the Marks, causing confusion and deception in the marketplace, and divert potential activists of Plaintiff to Defendants.

26. Defendants' acts are causing and, unless restrained, will continue to cause damage and immediate irreparable harm to Plaintiff, the Marks, and to its valuable reputation and goodwill with the consuming public for which Plaintiff has no adequate remedy at law.

IV. CAUSE OF ACTION – COPYRIGHT INFRINGEMENT

27. Plaintiff is the owner of all copyrights in and to the work entitled "Overseas Friends of BJP-USA" ("Work"). Plaintiff has obtained United States Copyright Registration No. Vau001467514 for the Work. All relevant provisions of the Copyright Act were complied with in seeking registration for this Work.

28. Defendants have infringed the copyright of Plaintiff under 17 U.S.C. § 106 by reproducing, distributing and displaying an infringing work under the name "Overseas Friends of BJP-USA" that is a reproduction, derivative work, compilation or adaption of the Work owned by Plaintiff.

29. Plaintiff has not authorized Defendants to reproduce, adapt, display, or distribute the Work.

30. Defendants' actions have been willful and intentional, in conscious disregard of and knowing indifference to the rights of Plaintiff.

31. By reason of Defendants' infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss, and damage. Further, Plaintiff is suffering irreparable harm and further irreparable harm is imminent as a result of Defendants' infringement which cannot be adequately compensated in money damages. Plaintiff is entitled to an injunction restraining Defendants, and

Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, and all other persons acting in concert with them from engaging in further acts of copyright infringement.

32. As a result of Defendants' copyright infringement, Plaintiff is entitled to receive its actual damages and Defendants' profits as provided by 17 U.S.C. § 504(b). Additionally, Plaintiff is entitled to receive statutory damages under 17 U.S.C. § 504(c). Plaintiff is further entitled to receive its attorney's fees and costs for this action pursuant to 17 U.S.C. § 505.

V. CAUSE OF ACTION – TRADEMARK INFRINGEMENT

33. Plaintiff owns the federally registered trademark OVERSEAS FRIENDS OF BJP-USA (OFBJP-USA), U.S. Trademark registration number 7335039 ("039 mark"), as set forth in more detail in the foregoing paragraphs.

34. The Defendants, without authorization from Plaintiff, have used in commerce a spurious designation that is identical with, or substantially indistinguishable from the '039 mark on the same goods/services covered by the '039 mark, class 041 (organizing events in the field of integral humanity for cultural or educational purposes).

35. The Defendants' unauthorized use of counterfeit marks of the '039 mark in connection with the Defendants' offer for sale in commerce is likely to cause confusion or mistake in the minds of the public.

36. The Defendants' conduct as alleged herein is willful and intended to cause confusion, mistake, or deception as to the affiliation, connection, or association of the Defendants, with Plaintiff or the '039 mark.

37. The Defendants' actions constitute the use by the Defendants of one or more "counterfeit mark(s)" as defined in 15 U.S.C. § 1116(d)(1)(B).

38. The Defendants' use in commerce of the counterfeit the '039 mark has resulted in lost donations and business to Plaintiff, which are difficult to determine. The Defendants have also, by advertising counterfeit the '039 mark, caused considerable damage to the goodwill of the '039 mark, and diminished the brand recognition of the '039 mark by introducing counterfeit copies into the marketplace.

39. By reason of Defendants' infringement, Plaintiff has sustained and will continue to sustain substantial injury, loss, and damage. Further, Plaintiff is suffering irreparable harm and further irreparable harm is imminent as a result of Defendants' infringement which cannot be adequately compensated in money damages. Plaintiff is entitled to an injunction restraining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, and all other persons acting in concert with them from engaging in further acts of copyright infringement.

40. By reason of the foregoing, the Plaintiff is entitled to, among other relief, injunctive relief, an award of statutory damages, treble damages, attorney's fees and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116 and 1117, together with prejudgment and post-judgment interest.

VI. CAUSE OF ACTION - FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION

41. Plaintiff owns the federally registered '039 mark, as set forth in the foregoing paragraphs.

42. The Defendants, without authorization from Plaintiff, have used in commerce spurious designations that are identical with, or substantially indistinguishable from, the '039 mark on the same goods and services covered by the '039 mark.

43. The Defendants' unauthorized use of counterfeit marks of the registered '039 mark on and in connection with the Defendants' offers for sale in commerce is likely to cause confusion or mistake in the minds of the public.

44. The Defendants' unauthorized use in commerce of the '039 mark as alleged herein constitutes use of a false designation of origin and misleading description and representation of fact in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

45. The Defendants' conduct as alleged herein is willful and is intended to, and is likely to, cause confusion, mistake, or deception as to the affiliation, connection, or association of the Defendants, with Plaintiff or the '039 mark.

46. The Defendants' conduct as alleged herein is causing immediate and irreparable harm and injury to GS, and to the goodwill and reputation of the '039 mark. Moreover, it will continue to cause damage to Plaintiff and confuse the public unless enjoined by this Court.

47. Plaintiff has no adequate remedy at law, as the damage to its reputation is incalculable.

48. By reason of the foregoing, the Plaintiff is entitled to, among other relief, injunctive relief, an award of statutory damages, treble damages, attorney's fees and costs of the action under Sections 34 and 35 of the Lanham Act, 15 U.S.C. §§ 1116 and 1117, together with prejudgment and post-judgment interest.

VII. REQUEST FOR INJUNCTIVE RELIEF

49. Plaintiff herein seeks a preliminary injunction against Defendants according to 17 U.S.C. § 502 and 15 U.S.C. 1116. Defendants' infringement is ongoing, willful, and deliberate, and has caused irreparable harm and will cause further irreparable harm to Plaintiff and its marks.

50. Plaintiff asks this court for preliminary and permanent injunctive relief enjoining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, successor companies, related companies, and all other persons acting in

concert with them from engaging in: The import, export, making, manufacture, reproduction, assembly, use, acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, storage, shipment licensing, development, display, delivery, marketing, advertising or promotion of the counterfeit '039 mark and Mark (collectively, "Plaintiff's marks") identified in the Complaint and any other unauthorized mark, counterfeit, copy or colorful imitation thereof.

51. Pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on the Plaintiff within thirty days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

52. For an order from the Court requiring that the Defendants provide complete accountings and for equitable relief, including that the Defendants disgorge and return or pay their ill-gotten gains obtained from the illegal transactions entered into and pay restitution, including the amount of monies that should have been paid if the Defendants had complied with their legal obligations, or as equity requires;

53. For an order from the Court that an asset freeze or constructive trust be imposed on all monies and profits in Defendants' possession, which rightfully belong to the Plaintiff.

54. Pursuant to 15 U.S.C. § 1118 requiring that the Defendants and all others acting under the Defendants' authority, at its cost, be required to deliver up to the Plaintiff for destruction all products, accessories, labels, signs, prints, packages, wrappers, receptacles, advertisements, and other material in their possession, custody or control bearing any of Plaintiff's marks.

55. For any other and further relief as the Court may deem just and equitable

VIII. ATTORNEY'S FEES

56. Plaintiff seeks recovery of its reasonable and necessary attorney's fees pursuant to:

- a. 17 U.S.C. § 505, *et seq*;
- b. 15 U.S.C § 1117(a), *et seq*;

IX. CONDITIONS PRECEDENT

57. All conditions precedent have occurred.

X. PRAYER

WHEREFORE, the Plaintiff, Overseas Friends of BJP-USA, respectfully requests the following relief against the Defendants, as follows:

1. With regard to Plaintiff's Count I for copyright infringement:
 - a. Actual damages and profits or statutory damages, whichever is greater, under 17 U.S.C. § 504;
 - b. Costs of suit; and
 - c. Joint and several liability for the OWNERS, and other officers, and directors, for the knowing participation in the infringing activities of Overseas Friends of BJP;
2. With regard to Plaintiff's Count II for trademark infringement:
 - a. Disgorgement of profits under 15 U.S.C. § 1117(a);
 - b. Treble damages under 15 U.S.C. § 1117(b);
 - c. Statutory damages under 15 U.S.C. § 1117(c);
 - d. Costs of suit; and
 - e. Joint and several liability for the OWNERS, and other officers, and directors,
 - f. for the knowing participation in counterfeiting activities of Overseas Friends of BJP;
3. With regard to Plaintiff's Count III for false designation and unfair competition:
 - a. Disgorgement of profits under 15 U.S.C. § 1117(a);
 - b. Treble damages under 15 U.S.C. § 1117(b);
 - c. Statutory damages under 15 U.S.C. § 1117(c);
 - d. Costs of suit; and
 - e. Joint and several liability for the OWNERS, and other officers, and directors, for the knowing participation in the unfair competition activities of Overseas Friends of BJP;
4. Preliminary and permanent injunctive relief enjoining Defendants, and Defendant Overseas Friends of BJP's officers, directors, agents, employees, representatives, affiliates, successor companies, related companies, and all other persons acting in concert with them from engaging in: The import, export, making, manufacture, reproduction, assembly, use, acquisition, purchase, offer, sale, transfer, brokerage, consignment, distribution, storage, shipment licensing, development, display, delivery, marketing, advertising or promotion of the counterfeit '039 mark and Mark (collectively, "Plaintiff's marks") identified in the Complaint and any other unauthorized mark, counterfeit, copy or colorful imitation thereof.
 - a. Pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on the Plaintiff within thirty (30) days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;
 - b. For an order from the Court requiring that the Defendants provide complete accountings and for equitable relief, including that the Defendants disgorge and return or pay their all-gotten gains obtained from the illegal transactions entered into and/or

- pay restitution, including the amount of monies that should have been paid if the Defendants had complied with their legal obligations, or as equity requires;
- c. For an order from the Court that an asset freeze or constructive trust be imposed on all monies and profits in Defendants' possession, which rightfully belong to the Plaintiff.
 - d. Pursuant to 15 U.S.C. § 1118 requiring that the Defendants and all others acting under the Defendants' authority, at its cost, be required to deliver up to the Plaintiff for destruction all products, accessories, labels, signs, prints, packages, wrappers, receptacles, advertisements, and other material in their possession, custody or control bearing any of Plaintiff's marks.

Date: June 24, 2024

Respectfully Submitted,

Norred Law, PLLC

/s/ Warren V. Norred

Warren V. Norred, Texas Bar Number 24045094

warren@norredlaw.com

515 E. Border; Arlington, Texas 76010

P. 817-704-3984 F. 817-524-6686

Attorney for Plaintiff

ATTACHMENTS:

Exhibit 1 – Declaration of Subhopriyo Dasgupta (Co-President)

Exhibit 2 – U.S. Trademark registration

Exhibit 3 – U.S. Copyright registration

Exhibit 4 – Demand Letter

Exhibit 5 – Evidence of continued infringement

Exhibit 6 – New Jersey Overseas Friends of BJP-USA organization documents

Exhibit 7 – Virginia Overseas Friends of BJP organization documents

Exhibit 8 – Texas Overseas Friends of BJP-USA organization documents

Exhibit 9 – Communications between parties

Exhibit 10 – FARA Registration Amendment for Overseas Friends of BJP-USA